

Case 5:07-cv-00092-F Document 5 Filed 04/30/07 Page 1 of 3

of (ERISA) in relation to Employment Retirement Income Security Act of 1974, (3) harassment by both company associates or (employees) and employer, (4) discrimination based on my nationality that led to wrongful termination of employment, (5) other labor litigation.” Plaintiff has alleged no facts. He asserts one potentially viable federal claim, his allegation that he was discriminated against on the basis of his nationality. However, Plaintiff has failed to provide a single detail as to what his nationality is, what was said or done to him, or why he believes he was discriminated against.

A plaintiff may not simply present conclusions, but must allege some minimum level of factual support for the claims raised in order to avoid dismissal. See White v. White, 886 F.2d 721, 724 (4th Cir. 1989). The court recognizes that pro se pleadings should not be held to the same stringent standards as those of attorneys, see Haines v. Kerner, 404 U.S. 519, 520 (1972), and should be liberally construed. Nonetheless, even a solicitous examination of the allegations requires that Plaintiff present more particularized facts in order to present a claim upon which relief may be granted. Accordingly, the court recommends that the case be dismissed as frivolous.

### **CONCLUSION**

For the reasons stated above, the Court **ORDERS** that Plaintiff’s motion to proceed in forma pauperis be **GRANTED**, but **RECOMMENDS** that the underlying complaint be **DISMISSED** as frivolous and for failure to state a claim upon which relief can be granted. The Clerk shall send copies of this Memorandum and Recommendation to counsel for the respective parties, who have ten (10) days from the date of receipt to file written objections. Failure to file timely written objections shall bar an aggrieved party from receiving a de

novo review by the District Court on an issue covered in the Memorandum and, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions not objected to, and accepted by, the District Court.

This 27<sup>th</sup> day of April 2007.

A handwritten signature in black ink, appearing to read 'David W. Daniel', written over a horizontal line.

DAVID W. DANIEL  
United States Magistrate Judge